

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
:
UNITED STATES OF AMERICA, :
:
v. : 14-MJ-403 (RML)
:
DORIS HENRIETTE YEMBE, : June 17, 2014
:
Defendant. : Brooklyn, New York
:
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR EXCLUSION OF TIME
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: UNITED STATES ATTORNEY
BY: JUSTIN DAVID LERER, ESQ.
ASSISTANT U.S. ATTORNEY

For the Defendant: LESLIE R. JONES, ESQ.
299 Broadway, Suite 1700
New York, New York 10007

COURTNEY DEAVY, ESQ.
305 Broadway, Suite 1400
New York, New York 10007

Court Transcriber: SHARI RIEMER, CET-805
TypeWrite Word Processing Service
211 N. Milton Road
Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: Okay. This is a criminal cause for
2 application to exclude time, USA v. Doris Yembe, Case No. 14-M-
3 403. Counselor [inaudible]

4 MR. LERER: Good morning, Your Honor. Justin Lerer
5 for the United States. With the court's permission my intern,
6 Monica Mleczko, M-L-E-C-Z-K-O, would conduct the balance of the
7 proceeding for the government.

8 THE COURT: Okay with counsel?

9 MS. JONES: Leslie Jones Thomas, 299 Broadway, Suite
10 1700, New York, New York, appearing on behalf of Doris Yembe.
11 Good morning, Your Honor.

12 THE COURT: Morning. All right. So you're okay with
13 the intern?

14 MS. JONES: Oh, yes.

15 THE COURT: Okay. All right.

16 And with you?

17 MR. DEAVY: Good morning, Your Honor. Courtney
18 Deavy, 305 Broadway, Suite 1400, New York, New York, 10007, for
19 Ms. Yembe.

20 THE COURT: All right. So we have an application for
21 an Order of Excludable Delay. So why should it be granted?

22 MS. JONES: We do, Your Honor. And we're asking for
23 excludable delay because --

24 MR. LERER: Let me have Ms. Mlecccko take the
25 application. Thank you.

1 THE COURT: I did look at you, but sure. Yes.

2 MS. MLECZKO: Good morning, Your Honor. The parties
3 have submitted a written application for an Order of Excludable
4 Delay under the Speedy Trial Act. Time has already been
5 excluded through June 24th, 2014, and the parties are
6 requesting that the time period from June 24th through July
7 24th be excluded from the time within which an indictment must
8 be filed because the parties are currently engaged in plea
9 negotiations that might impact the disposition of this case.

10 THE COURT: Okay. Anything else? Are you in
11 agreement?

12 MS. JONES: We're in agreement.

13 THE COURT: All right. Ms. Yembe, so, let me just
14 give you a little bit of information about the rights that are
15 at issue here. You may have already heard this, but just so we
16 are sure that you're all on the same page.

17 There's an application to exclude time from June 24th
18 to July 24th. And under the constitutional laws of the United
19 States, you're entitled to a speedy and public trial by jury as
20 part of that right. You are entitled to be indicted within 30
21 days of the date of your arrest. An indictment is simply a
22 charge brought by a grand jury. The grand jury is a group of
23 at least 16, no more than 23 people, who consider whether
24 there's probable cause to believe you've committed the crime or
25 crimes with which you're charged. If the government fails to

1 present the indictment to the grand jury within the 30-day
2 period that could be the basis for your counsel to make a
3 motion to dismiss.

4 By agreeing to the entry of the Order of Excludable
5 Delay, you are agreeing to stop the clock. That means that the
6 time period between June 24th and July 24th will not be counted
7 towards that 30-day period. And by agreeing to the entry of
8 the Order of Excludable Delay, you're giving up your right to
9 make the claim that the government didn't bring the indictment
10 within the time period.

11 Okay? Do you understand that? Did you discuss this
12 matter with your counsel? And do you have any additional
13 questions you want to ask before we go ahead with this?

14 THE DEFENDANT: I understand. I have discussed with
15 my counsel, and I do not have additional questions.

16 THE COURT: All right. Did anyone make any promises
17 or threats to you to get you to agree to this application?

18 THE DEFENDANT: No.

19 THE COURT: All right. So based on the statements of
20 counsel, including a well-spoken intern, and the defendant's
21 statements, I find that the application should be granted.
22 It's in the interest of the public, the defendant, and the
23 interest of justice. So time's excluded from June 24th to July
24 24th of this year.

25 Anything else?

1 MS. JONES: No, Your Honor.

2 MR. LERER: No, Your Honor. Thank you.

3 THE COURT: No? All right. Thank you.

4 * * * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I certify that the foregoing is a court transcript from an
2 electronic sound recording of the proceedings in the above-
3 entitled matter.

4 

5 _____
6 Shari Riemer, CET-805

7 Dated: January 7, 2015
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25